

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff-Respondent,

v.

AREF NAGI,

Defendant-Petitioner.

Case No. 06-20465

Honorable Nancy G. Edmunds

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ORDER DENYING CERTIFICATE OF APPEALABILITY

This matter is before the Court on Petitioner Aref Nagi's Notice of Appeal (ECF No. 3067) from the Order denying his Motion under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence (ECF No. 3057). Federal Rule of Appellate Procedure 22(b) provides that a petitioner cannot take an appeal in a § 2255 proceeding unless a certificate of appealability is issued under 28 U.S.C. § 2253(c). To receive a certificate of appealability, "a petitioner must show that reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were adequate to deserve encouragement to proceed further." *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003) (quotation marks and citation omitted). The Court carefully considered the issues raised in Petitioner's § 2255 motion. For the reasons set forth in the Court's Opinion and Order denying that motion, the Court concludes that Petitioner did not show reasonable jurists could debate whether his petition should have

been resolved in a different matter. The Court therefore denies Petitioner a certificate of appealability.

SO ORDERED.

Dated: May 3, 2021

s/ Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

I hereby certify that a copy of the foregoing document was served upon counsel of record on May 3, 2021, by electronic and/or ordinary mail.

s/ Lisa Bartlett
Case Manager